

Legend of Symbols & Abbreviations

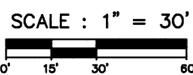
- | | | |
|----------------------|-------------------|---------------------------------|
| Power Pole | N. North | Enc. Encroachment |
| Light Pole | S. South | P.P.No. Permanent Parcel Number |
| Traffic Signal Box | E. East | L.A. Landscaped Area |
| Gas Valve | W. West | R/W Right-of-way |
| Storm Manhole | Degrees | Centerline |
| Storm Inlet (Round) | Feet or Minutes | |
| Storm Inlet (Square) | Inches or Seconds | |
| Fire Hydrant | Rec. Record | Indicated Handicapped Parking |
| Water Valve | Calc. Calculated | |
| Sanitary Manhole | Meas. Measured | N Indicates Mutual Ownership |
| Valve | | |
| Sign | | |

Utility Notes

- UN1** The location of Utilities shown hereon are from observed evidence of above ground appearances only. The surveyor was not provided with underground plans or surface ground markings to determine the location of any subterranean uses.
- UN2** From observed above ground appearances only as shown hereon, gas, electric, storm sewer, sanitary sewer and water lines and/or service is available for the subject property within the public road right of ways of South 42nd Street, TwinCreek Drive, and Nebraska State Highway 370.
- UN3** Before digging in this area, call "One Call" 1-800-331-5666 for field locations (request for ground markings) of underground utility lines.

Miscellaneous Notes

- MN1** Some features shown on this plat may be shown out of scale for clarity.
- MN2** Dimensions on this plat are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to an assumed meridian and are used to denote angles only. Monuments were found at points where indicated.
● - indicates iron pin or pipe found as noted
- MN3** The basis of bearings for this survey is North 00°-10'-49" West as the West Line of Lot 2, TWINCREEK PLAZA REPLAT 1, Sarpy County, Nebraska, as evidenced by monuments found.
- MN4** Section 1 (H) Monumentation of the Minimum Standards for Surveys in the State of Nebraska, have been abridged, at the request of the client, for the performance of this survey.
- MNS** There are 46 regular parking spaces and 2 handicapped parking spaces for a total of 48 parking spaces on the subject property.
- MNE** Subject Property has Direct access to the Public Right-of-way of Twin Creek Drive



FLOOD NOTE: By graphic plotting only, this property is in Zone(s) X of the Flood Insurance Rate Map, Community Panel No. 31153C 0090G, which bears an effective date of Dec. 02, 2005. By contact dated May 25, 2008 to the National Flood Insurance Program <http://www.fema.gov>, this property does not appear to be located in a special flood hazard area. No field measurements were performed to determine this zone and an Elevation Certificate may be needed to verify this determination or apply for variance from the Federal Emergency Management Agency. Zone "X" denotes areas determined to be outside the 0.2% annual chance of floodplain.

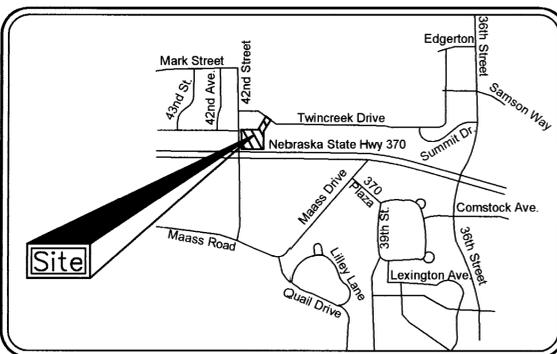
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Zoning Information

Status:			District:	BG General Business District
ITEM	REQUIRED	OBSERVED	Source of Information:	Bellevue Planning Department
Permitted Use	Commercial	Commercial	Address	210 Mission Ave, Bellevue
Minimum Lot Area	Not Applicable	52640 Sq.Ft.	Person Contacted	Shirley Harbin
Minimum Frontage	0'	355'	Date Contacted	5/28/2008
Minimum Lot Width	0'	40'	Phone / Fax Number	402-293-3032
Maximum Building Coverage	95%	4.5%	Email address	sharbin@bellevue.net
Minimum Setbacks Front	0'	26.3'	Notes:	
Side	0'	48.3'	* Regular Parking is determined by calculating	
Rear	10'	128.5'	2 1/2 Customer Seating for 1 parking stall	
Maximum Building Height	35'	15.6'		
Parking Regular	* See Note	46		
Parking Handicap	N/A	2		
Total	N/A	48		

Statement of Encroachments

No Encroachments for Lot 2, TWINCREEK PLAZA REPLAT 1, Sarpy County, Nebraska



Vicinity Map

Items Corresponding to Schedule B

- E** Easements and restrictions reserved and shown in the Plat and Dedication of TwinCreek Plaza Replat 1, recorded March 24, 1998 as Inst. No. 98-6955; records of Sarpy County, Nebraska. (This item does affect the subject property and is plotted and shown.)
- F** Terms and conditions of Declaration of Restrictions - Adjacent Property, recorded May 2, 1997 as Inst. No. 97-8316; modified by First Modification and Partial Termination of Declaration of Restrictions - Adjacent Property, recorded June 25, 2002 as Inst. No. 2002-23689; records of Sarpy County, Nebraska. (This item does affect the subject property, contains nothing to graphically plot.)
NOTE: This exception omits any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.
- G** Item has been deleted from the Title Commitment
- H** Terms and conditions of Second Declaration of Restrictions - Adjacent Property, recorded July 11, 1997 as Inst. No. 97-14509; modified by Termination of Restrictions, recorded March 17, 1998 as Inst. No. 98-6110; records of Sarpy County, Nebraska. (This item does affect the subject property, contains nothing to graphically plot.)
NOTE: This exception omits any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.
- I** Easement granted to Omaha Public Power District as contained in Report of Appraisers, recorded January 25, 1968 in Book 39, Page 379; partially released by Partial Disclaimer and Release, recorded April 19, 2001 as Inst. No. 2001-10424; records of Sarpy County, Nebraska. (This item does affect the subject property and is plotted and shown.)
- J** Reservation of all oil, gas and other mineral rights as contained in Warranty Deed, recorded July 24, 1992 as Inst. No. 92-14971; records of Sarpy County, Nebraska. (This item no longer affects the subject property. The item's legal description and control access line is now amended in Item "L" and item "K" which are plotted and shown.)
- K** Covenants, conditions, restrictions and reservations contained in Quitclaim Deed, recorded December 13, 1996 as Inst. No. 96-25244; records of Sarpy County, Nebraska. (This item does affect the subject property and is plotted and shown.)
- L** Covenants, conditions restrictions and reservations contained in Quitclaim Deed, recorded September 26, 1997 as Inst. No. 97-21363; records of Sarpy County, Nebraska. (This item does affect the subject property and is plotted and shown.)
- M** Terms and conditions of Declaration of Restrictions, recorded September 8, 1998 as Inst. No. 98-25172; Partial Termination of Declaration of Restrictions, recorded July 22, 2002 as Inst. No. 2002-27133; Partial Termination of Declaration of Restrictions, recorded September 17, 2002 as Inst. No. 2002-36509; Partial Termination of Declaration of Restrictions, recorded September 17, 2002 as Inst. No. 2002-36510; records of Sarpy County, Nebraska. (This item does affect the subject property, contains nothing to graphically plot.)
NOTE: This exception omits any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.
- N** Easement Agreement by and between Simmonds Properties, Ltd., a Nebraska limited partnership and GE Capital Franchise Finance Corporation, a Delaware corporation, recorded December 11, 2007 as Inst. No. 2007-36640; records of Sarpy County, Nebraska. (This item does affect the subject property and is plotted and shown.) Item is hatched for clarity.
- O** Deed of Trust executed by Robert F. Moran, Jr. and Karen A. Moran, husband and wife, Trustor to Bank of the West, Trustee and Beneficiary, in the stated amount of \$1,130,000.00, dated March 18, 2008, recorded March 25, 2008, as Inst. No. 2008-7972; records of Sarpy County, Nebraska. (This item does affect the subject property, contains nothing to graphically plot.)
- P** Assignment of Rents executed by Robert F. Moran, Jr. and Karen A. Moran, husband and wife to Bank of the West, dated March 18, 2008, recorded March 25, 2008, as Inst. No. 2008-7973; records of Sarpy County, Nebraska. (This item does affect the subject property, contains nothing to graphically plot.)
- Q** Terms and conditions of that certain lease by and between GE Capital Franchise Finance Corporation, a Delaware corporation, Lessor, and SR of Iowa, L.C., an Iowa limited liability company, Lessee, as evidenced by Memorandum of Lease dated March 31, 2006, recorded April 7, 2006 as Inst. No. 2006-11754; amended by First Amendment to Memorandum of Lease, recorded December 11, 2007 as Inst. No. 2007-36641; assigned to Robert F. Moran, Jr. by Assignment and Assumption of Lease and Guaranties, recorded March 25, 2008 as Inst. No. 2008-7971; records of Sarpy County, Nebraska. (This item does affect the subject property, contains nothing to graphically plot.)
NOTE: The above certain lease as evidence by Memorandum of Lease dated March 31, 2006, recorded April 7, 2006 as Inst. No. 2006-11754; amended by First Amendment to Memorandum of Lease, recorded December 11, 2007 as Inst. No. 2007-36641; assigned to Robert F. Moran, Jr. by Assignment and Assumption of Lease and Guaranties, recorded March 25, 2008 as Inst. No. 2008-7971; has been subordinated to the Deed of Trust shown as item (o) above, by Subordination, Non-Disturbance and Attornment Agreement, recorded March 25, 2008 as Inst. No. 2008-7974; records of Sarpy County, Nebraska.

Legal Description

SCHEDULE A

Parcel 1:
Lot 2 in TwinCreek Plaza Replat 1, an addition to the City of Bellevue, as surveyed, platted and recorded in Sarpy County, Nebraska.

Parcel 2:
Perpetual non-exclusive easement for vehicular and pedestrian ingress and egress as contained in Easement Agreement, recorded December 11, 2007 as Inst. No. 2007-36640 in the records of Sarpy County, Nebraska.

The above description parcel is the same land as described in Chicago Title Insurance Company Commitment Number 6046402 bearing an effective date of May 8, 2008, 8:00 a.m. (Revise-1 7/13/2008 - LEO)

AS- SURVEYED LEGAL DESCRIPTION

Lot 2 in TwinCreek Plaza Replat 1, an addition to the City of Bellevue, as surveyed, platted and recorded in Sarpy County, Nebraska, described as follows:

Beginning at the Southwest corner of said Lot 2; thence on the West line of said Lot N 00°10'49" W a distance of 243.04 feet; thence on the North line of said lot for the next two calls, N 89°50'13" E a distance of 169.53 feet; thence N 40°18'13" E a distance of 88.94 feet; to a point on the Southerly Right-of-Way line of Twin Creek Drive; thence on said Right-of-Way line S 49°36'37" E a distance of 40.08 feet; thence on the Easterly line of said lot for the next two calls, S 40°21'13" W a distance of 86.15 feet; thence S 00°07'58" E a distance of 224.21 feet; to the Southeasterly corner of said lot; thence on the South line of said lot N 88°43'38" W a distance of 201.61 feet to the Point of Beginning. Described tract has an area of 52639.74 square feet or 1.208 acres, more or less. Subject to all easements and restrictions of record.

The above description parcel is the same land as described in Chicago Title Insurance Company Commitment Number 6046402 bearing an effective date of May 8, 2008, 8:00 a.m. (Revise-1 7/13/2008 - LEO)

ALTA/ACSM Land Title Survey

Project Branding Project

Burger King - Store #12678
B&C Project No. 200800508, 0035
4109 Twin Creek Drive, Bellevue, NE 68123

Surveyor's Certification

To: Burger King Corporation, Greenberg Traurig, P.A., Chicago Title Insurance Company, and Bock & Clark Corporation.

The undersigned certifies that to the best of his professional knowledge, information and belief, this map or plat and the Survey on which it is based were made on the date shown below of the premises specifically described in Commitment No. 6046402 dated May 8, 2008, 8:00 (Revise-1 7/13/2008 - LEO) and were made: (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005; (ii) in accordance with the "Survey Requirements for the Burger King - Brando Project Surveys dated April 21, 2008, and" includes Items 1, 2, 3, 4, 6, 7a, 7b1, 7c, 8, 9, 10, 11a, 13 and 14 of Table A specifically defined therein, and (iii) Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Nebraska, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Jamie L. Blodgett
Jamie L. Blodgett
Registration No. 610
In the State of Nebraska
Date of Survey: May 1, 2008
Date of Last Revision: 7/16/2008
Network Project No. 200800508-0035



SURVEY RECORD REPOSITORY

RECEIVED
AUG 15 2008
\$ 250
County SARPY
875-189

Survey Performed By:
N Line Land Surveying
P.O. Box 173
Central City, NE 68826
Phone: 308-946-3601
Fax: 308-946-5013
Email: n_lineandsurveying@yahoo.com

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National Coordinators of ALTA/ACSM Land Title Surveys
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